

Message Text

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11

ACTION L-02

INFO OCT-01 EA-06 NEA-10 ISO-00 FEA-01 CIAE-00 COME-00

DOT-00 EB-07 FMC-01 INR-07 NSAE-00 CG-00 OFA-01

DLOS-04 /040 W

----- 083856

R 271100Z JUN 75

FM AMCONSUL MADRAS

TO COMSC WASHDC

INFO AMEMBASSY NEW DELHI

AMCONSUL BOMBAY

SECSTATE WASHDC 2955

DRF-PAC CAMP HM SMITH HI

DFSC PQAQ USNAVOFF SINGAPORE

DFSC CAMERON STATION VIRGINIA

CH PQAQ LEFFLER WESTPAC MANILA RP

CNO WASHDC

MARAD WASHDC

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E.O. 11652: N/A

TAGS: OGEN IN

SUBJECT: TRANS HURON

REF: A) COMSC WASHDC 171930Z JUN 75

B) BOMBAY 1432

C) MADRAS 682

1. AS REQUESTED IN REF. A, CONGEN TELEPHONED MR. W. SHAIZA, ADMINISTRATOR OF UNION TERRITORY OF KAKSHADWEEP, IN CLAI CUT AND CONVEYED U.S.G. OFFER ON OIL AS CONTAINED IN LETTER WHICH AMCONGEN BOMBAY SENT TO DIRECTOR GENERAL OF SHIPPING (SEE REF B). SHAIZA FAMILIAR WITH DETAILS OF OFFER AS HE HAD RECEIVED COPY OF BOMBAY'S LETTER FROM DIRECTOR GENERAL OF SHIPPING.

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2. SHAIZA IN JOVIAL MOOD ABOUT THE PROBLEM BECAUSE IT IS NO

LONGER HIS. HE HAS JUST BEEN TRANSFERRED TO NORTH INDIA. HE SAID ALL PAPERS RELATED TO ISSUE ARE IN POSSESSION OF HIS REPLACEMENT, MR. M.C. VERMA. THAT MEANS 350 KILOMETERS OFF THE COAST OF INDIA UNDER THE COCONUT PALMS ON KAVARATTI ISLAND. MR. VERMA, SAID SHAIZA, WILL PROBABLY STAY ON THE ISLAND UNTIL THE END OF JULY BEFORE COMING IN TO CALICUT.

3. SHAIZA SEEMED TO SAY U.S.G. OFFER SOUNDED REASONABLE, AND IN PRINCIPLE GOI WOULD PERMIT OIL AND WRECK TO BE DEALT WITH SEPARATELY. BUT HE ADDED TWO QUALIFICATIONS WHICH COULD COMPLICATE THINGS. FIRST, TO RELEASE THE OIL, SHAIZA SAID, THE NEW ADMINISTRATOR, MR. VERMA, WOULD NEED TO HAVE DOCUMENTS PROVING THE U.S.G. IS THE OWNER OF THE OIL. SECOND, HE SAID THE ADMINISTRATOR WILL UNFORTUNATELY BE UNABLE TO RELEASE THE OIL UNLESS THE COURT INJUNCTION ENJOINING THE ADMINISTRATOR FROM AUCTIONING THE TRANSHURON IS VACATED. AS REPORTED IN REF C, THIS INJUNCTION WAS OBTAINED BY NEW INDIA STEEL, WHOSE OFFER TO PURCHASE TRANSHURON HULK HAS BEEN ACCEPTED BY MARAD. SHAIZA SAID THE INJUNCTION IS SO WARDED THAT IT PROHIBITS THE ADMINISTRATOR FROM DISPOSING OF THE WRECK OF THE SHIP OR ANYTHING ON IT OR CONNECTED WITH IT. WHILE IT IS ESSENTIALLY A MATTER OF LEGAL INTERPRETATION, HE SAID, HE AND HIS LEGAL ADVISORS HAVE TAKEN THE INJUNCTION TO MEAN THE ADMINISTRATOR IS NO LONGER FREE TO RELEASE THE OIL WHILE THE INJUNCTION IS IN FORCE. IT IS OF COURSE HARD TO BE SURE ON THE TELEPHONE, BUT SHAIZA'S APOLOGETIC TONE SEEMED A BIT FEIGNED. WE SUSPECT THAT SHAIZA WAS NOT AT ALL HAPPY TO HAVE AN INJUNCTION SLAPPED ON HIM BY DURAIRAJ OF NEW INDIA STEEL, A MERE BUSINESSMAN, AND THIS OBSTRUCTIVE INTERPRETATION OF THE INJUNCTION IS HIS REVENGE.

4. SUGGEST SIMPLEST COURSE OF ACTION NOW WOULD BE FOR COMSC TO CABLE TERMS OF OFFER DIRECTLY TO M.C. BERMA, NEW ADMINISTRATOR OF UNION TERRITORY OF LAKSHADWEEP, CABLE ADDRESS ADMILAC KAVARATTI. COMSC CAN ASCERTAIN FROM HIM WHATEVER DOCUMENTS HE CONSIDERS ARE NECESSARY TO PROVE U.S.G. OWNERSHIP OF OIL AND MAIL THEM DIRECTLY TO HIM. WOULD SUGGEST MARAD CAN BEST RESOLVE PROBLEM OF LIMITED OFFICIAL USE

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COURT INJUNCTION THROUGH DURAIRAJ OF NEW INDIA STEEL, WITH WHOM CHIEF OF MARAD'S OFFICE OF DOMESTIC SHIPPING BURTON KYLE IS ALREADY IN DIRECT COMMUNICATION. EAVES

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